

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR & RD Department - Sri T.M. Neelakantam, Junior Assistant (Retired) Mandal Parishad, Gangavaram, Chittoor District - Punishment of withholding of entire pension and gratuity besides recovery of the misappropriated amount – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-III) DEPARTMENT

G.O.MS.No. 314

Dated: 30.08-2010

Read the following.

1. From the CEO, ZP, Chittoor, Progs .No. A2/2367/91, dated: 19-11-1991.
2. From the CEO, ZP, Chittoor, Progs .No. A2/8367/91, dated: 11-02-99.
3. From the CEO, ZP, Chittoor, Progs .No. A2/8367/91, dated: 31-01-2000.
4. Govt Memo.No.29/VS-II/I/97-23, dated: 15-04-2003.
5. From the CPR &RE, Hyd, Lr.No.7675/CPR&RE/N2/2003, dt:04-08-2003.
6. From the CEO, ZP, Chittoor.ROC.No.934/2002/ A2/, dated: 30-09-2003.
7. From the CPR &RE, Hyd, Lr.No.10617/CPR&RE/I2/07, dt: 28-11-2007.
8. G.O.Ms.No.374, PR&RD (VIG-III) Dept, dated: 04-12-2009.
9. Govt. Memo.No.29/Vig-III/97-36, dated: 04-12-2009.
10. Explanation of Sri. T.M. Neelakantam, Junior Assistant (Retired) Mandal Parishad, Gangavaram, Chittoor District, dt: 12-01-2010.
11. Govt. Letter.No.29/Vig-III/97-37, dated: 15-04-2010.
12. From the Secretary, APPSC, Letter No.644/RT-I/1/2010, dt: 03-07-2010.

It had been brought to the notice of the Govt that, Sri T.M. Neelakantam, Jr. Asst., M.P. Gangavaram, Chittoor Dist., was kept under suspension by the Chief Executive Office, ZP, Chittoor vide reference 1st read above for misappropriation of educational funds in Gangavaram Mandal. The disciplinary action against Sri T.M. Neelakantam, Junior Assistant was finalized by the Chief Executive Officer., ZP., Chittoor being the disciplinary authority by awarding a punishment of reduction of seniority in the cadre of Junior Assistant besides recovery of the misappropriated amount, vide proceedings 3rd above.

Govt., have reviewed the case and observed that the punishment imposed on Sri T.M. Neelakantam, Junior Assistant, M.P. Gangavaram, Chittoor Dist., is not commensurate with the gravity of offence established, as a major penalty of the dismissal from service as per G.O.Ms.No.2, GAD., dt. 4-1-1999. Accordingly, in the reference 4th read above, the Commissioner of Panchayat Raj & Rural Employment, A.P, Hyderabad, was requested to review the case afresh under rule 41 of APCS (CC&A) Rules, 1991 and consider for the punishment of dismissal from service duly setting aside the proceedings of CEO., Z.P., Chittoor. In the reference 5th read above, the CPR & RE., Hyd., while setting aside the Procds. of the CEO., Chittoor, dt.31-1-2000 has requested the CEO., ZP., Chittoor to initiate de-nova disciplinary action against the A.O. in the light of the order issued in G.O.Ms.No.2, GAD., dt.4-1-1999 under Rule 41 of APCS (CCA) Rules. Accordingly, in the reference 6th read above, the CEO., Z.P., Chittoor has dismissed the individual from service from the date of his suspension i.e., 23-11-1999.

Aggrieved by the above orders, Sri T.M. Neelakantam, Junior Assistant, M.P. Gangavaram, Chittoor Dist., has filed O.A.No. 7395/2003 before the A.P.A.T., Hyd. The Hon'ble APAT., in its order dt.24-8-2007 in O.A.No.7395/2003, has observed that "by the date of impugned order passed by the CEO., Z.P., on 30-9-2003, the applicant has already retired from service. Under Clause 2 of rule 9 of A.P.R.P.R., 1980, if the departmental proceedings were initiated when the Govt. servant was in service, subsequently if he retires, the proceedings shall continue and the disciplinary authority has to send the inquiry report to the Government for passing final orders. Hence the Tribunal has ordered the respondent authorities to pass necessary orders in accordance with law.

In the reference 7th read above, the Commissioner of Panchayat Raj & Rural Employment, Hyd., has requested the Govt., to initiate disciplinary action against Sri T.M. Neelakantham, Jr. Asst, (Retd.), M.P. Gangavaram of Chittoor Dist., under Rule 9 of APRP Rules, 1980, since the individual was retired from service on superannuation.

Govt. after careful examination of the matter have issued sanction order to continue departmental proceedings under Rule 20 of APCS (CCA) Rules, 199 r/w Rule 9 of APRP Rules, 1980 against the Accused Officer vide reference 8th read above.

Accordingly, in the reference 9th read above, Show cause notice was issued duly communicating the enquiry report to Sri T.M. Neelakantam, Junior Assistant, M.P. Gangavaram, Chittoor Dist., calling for his explanation on the charges held proved against him.

In the reference 10th read above, the Accused Officer, has submitted his explanation requesting to drop the charges against him on humanitarian grounds and to sanction at least regular pension.

Govt. after careful examination of the explanation of the delinquent officer, have decided to impose punishment of withholding of entire pension and gratuity besides recovery of the misappropriated amount against, Sri T.M. Neelakantam, Junior Assistant, M.P. Gangavaram, Chittoor Dist, for the charges held proved.

In the reference 11th read above, the APPSC was consulted, on the proposed punishment of withholding of entire pension and gratuity besides recovery of the misappropriated amount against Sri T.M. Neelakantam, Junior Assistant (Retired) Mandal Parishad, Gangavaram, Chittoor District.

In the reference 12th read above, the APPSC, has agreed with proposal of the Govt. to impose a punishment of withholding of entire pension and gratuity besides recovery of the misappropriated amount against the individual.

Govt after careful examination of the matter hereby order to impose the punishment of withholding of entire pension and gratuity besides recovery of the misappropriated amount against Sri T.M. Neelakantam, Junior Assistant. (Retd.), Mandal parishad, Gangavaram, Chittoor District .

The Commissioner of Panchayat Raj & Rural Employment, A.P, Hyderabad is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

To

The Commissioner of Panchayat Raj &
Rural Employment, A.P, Hyderabad.

The individual (through the Commissioner of Panchayat Raj &
Rural Employment, A.P, Hyderabad).

The Chief Executive Officer, ZP., Chittoor.

Copy to

The Secretary A.P. Public Service Commission, Hyderabad.
SF/SC

// FORWARDED BY ORDER //

SECTION OFFICER